

July 14, 2003

Re: MDR #: M2-03-1130-01
IRO Certificate No.: 5055

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to ___ for an independent review. ___ has performed an independent review of the medical records to determine medical necessity. In performing this review, ___ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is Board Certified in Orthopedic and Spine Surgery.

Clinical History:

This male patient injured his back in a work-related accident on _____. He was treated conservatively for a number of years. On 01/28/99, he underwent anterior and posterior lumbar fusion, resulting in improvement of his lower extremity complaints. Note was made that through 1999, he had decreased sensation around his great toes. The fusion was, apparently, solid, and some degeneration was detected at L3-4, above the previous surgery. An EMG performed on 01/13/00 after the surgical procedure, did not reveal any evidence of entrapment neuropathy, according to the records. Recent notes revealed that neither the patient nor the surgeon is considering further surgery.

Disputed Services:

EMG/NCV to bilateral lower extremities.

Decision:

The reviewer agrees with the determination of the insurance carrier. The reviewer is of the opinion that the EMG/NCV is not medically necessary in this case.

Rationale:

Based on the medical records provided for review,

- the patient and his surgeon have no intention of proceeding with further surgery,
- there is no indication of significant deterioration in his complaints,
- the neurological situation four years after the surgical procedure is assuredly stable,
- there is no documented anticipated change in medical management,
- records are reflective of maintenance treatment at this time,
- the time frame of the injury (some nine years ago) cannot be reconciled with a) Spine Treatment Guidelines, and (b) the original injury, or possible iatrogenic injury at the time of surgery, which was documented in the year 2000 not to exist.

I am the Secretary and General Counsel of ____ and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this care for determination prior to referral to the Independent Review Organization.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by ____ is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within ten (10) days** of your receipt of this decision (28 Tex. Admin. Code 142.5©).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within twenty (20) days** of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) days** after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5 (d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings
Texas Workers' Compensation Commission
P.O. Box 40669
Austin, TX 78704-0012

A copy of this decision should be attached to the request. The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute.

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on July 14, 2003.

Sincerely,